THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.1181 OF 1983

ORDER:

The petitioner herein, who has an idle vehicle, was granted a temporary permit on the town service route Nakkaladinne to C.T.M. village, pursuant to the notification dated 8.2.1982 issued by the respondent-Secretary, Regional Transport Authority, Chittoor. The temporary permit was initially granted for a period of four months and, subsequently, fresh permits were issued from to time up to 3.3.1983. However, the application of the petitioner for grant of interim temporary permit for a period of four months from 4.3.1983 to 3.7.1983 was not considered by the respondent and by endorsement dated 23.2.1983 the petitioner was informed that he may file his application for grant of a temporary permit as and when the applications are invited. Aggrieved by the said action of the respondent, this writ petition has been filed contending *inter alia* that for the purpose of granting temporary permits under Section 57(3) of the Motor Vehicles Act, 1939, no notification is necessary, particularly when there is no dispute as to the need on the route in question.

In the counter affidavit filed on behalf of the respondent the fact that the proposal for granting a temporary permit in respect of the route in question was approved by the Regional Transport Authority having regard to the fact that public interest is involved has not been denied. It is further stated that in spite of the intimation dated 20.1.1982, the A.P. State Road Transport Corporation failed to apply for grant of a temporary permit and, therefore, having invited applications from private operators, a temporary permit was granted to the petitioner. However, subsequently, the Corporation raised an objection and also filed a writ petition challenging the notification issued by the respondent inviting applications from private operations.

I have heard the learned counsel for both the parties and perused the material on record.

It is not in dispute that by virtue of interim orders granted by this Court, the petitioner has been plying his vehicle from 1983 onwards under the temporary permits being granted from time to time.

As could be seen from the counter affidavit filed on behalf of the respondent, there is no dispute about the need on the route in question. It is also clear that in spite of intimation, the Corporation failed to respond and, consequently, notification was issued by the respondent inviting applications from the private operators and the petitioner herein was validly granted a temporary permit pursuant to the said notification.

Nothing has been placed before this Court by the respondent to show that as on today, the need on the route in question does not survive. However, the only objection raised is that since the temporary permits shall be effective for a limited period which shall not exceed four months, the petitioner is not entitled for grant of temporary permits one after another.

It is to be noted that as held by this Court in **P.S. Saelema Bee v. Secretary, State Transport Authority, A.P., Hyderabad and others**[1] grant of successive temporary permits for unlimited period is nothing but circumventing the statutory provisions. Hence, the objection raised by the respondent is justified. However, having regard to the fact that there is abundant need to provide transport facilities on the route in question and particularly in the absence of any material to show that the performance of the petitioner herein is unsatisfactory, it would be appropriate to consider the request of the petitioner for grant of a pucca permit on the route in question.

The learned senior counsel appearing for the petitioner submitted that as a matter of fact, the petitioner has already made an application for grant of a pucca permit and he is ready and wiling to comply with all the statutory requirements.

Accordingly, the writ petition is disposed of granting liberty to the petitioner to make an application for grant of a pucca permit on the

route in question within a period of two weeks from the date of receipt of a copy of this order. If any such application is received within the time fixed above, the same shall be considered and appropriate orders be passed in accordance with law. Till such time the petitioner shall be permitted to continue on the basis of the temporary permit.

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(G. ROHINI).

22nd March, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.1181 OF 1983

22nd March, 2007.

Between:

Smt. R. Jayanthi. .. Petitioner.

And

The Secretary, Regional Transport Authority,
Chittoor. .. Respondent.

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[1] 2002(3) ALD 304.